

Department of Energy

§ 430.52

(c) If the Secretary fails to take action on the request for reconsideration within 30 days, the request is deemed denied, and the petitioner may seek such judicial review as may be appropriate and available.

(d) A petitioner has not exhausted other administrative remedies until a request for reconsideration has been filed and acted upon or deemed denied.

§ 430.49 Finality of decision.

(a) A decision to prescribe a rule that a State energy conservation standard, water conservation standard (in the case of faucets, showerheads, water closets, and urinals) or other requirement not be preempted is final on the date the rule is issued, i.e., signed by the Secretary. A decision to prescribe such a rule has no effect on other regulations of a covered product of any other State.

(b) A decision to prescribe a rule withdrawing a rule exempting a State standard or other requirement is final on the date the rule is issued, i.e., signed by the Secretary. A decision to deny such a petition is final on the day a denial of a request for reconsideration is issued, i.e., signed by the Secretary.

[54 FR 6078, Feb. 7, 1989, as amended at 63 FR 13319, Mar. 18, 1998]

Subpart E—Small Business Exemptions

SOURCE: 54 FR 6080, Feb. 7, 1989, unless otherwise noted.

§ 430.50 Purpose and scope.

(a) This subpart establishes procedures for the submission and disposition of applications filed by manufacturers of covered consumer products with annual gross revenues that do not exceed \$8 million to exempt them temporarily from all or part of energy conservation standards or water conservation standards (in the case of faucets, showerheads, water closets, and urinals) established by this part.

(b) The purpose of this subpart is to provide content and format requirements for manufacturers of covered consumer products with low annual gross revenues who desire to apply for

temporary exemptions from applicable energy conservation standards or water conservation standards (in the case of faucets, showerheads, water closets, and urinals).

[54 FR 6080, Feb. 7, 1989, as amended at 63 FR 13319, Mar. 18, 1998]

§ 430.51 Eligibility.

Any manufacturer of a covered product with annual gross revenues that do not exceed \$8,000,000 from all its operations (including the manufacture and sale of covered products) for the 12-month period preceding the date of application may apply for an exemption. In determining the annual gross revenues of any manufacturer under this subpart, the annual gross revenue of any other person who controls, is controlled by, or is under common control with, such manufacturer shall be taken into account.

§ 430.52 Requirements for applications.

(a) Each application filed under this subpart shall be submitted in triplicate to: U.S. Department of Energy, Small Business Exemptions, Appliance Efficiency Standards, Assistant Secretary for Conservation and Renewable Energy, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

(b) An application shall be in writing and shall include the following:

(1) Name and mailing address of applicant;

(2) Whether the applicant controls, is controlled by, or is under common control with another manufacturer, and if so, the nature of that control relationship;

(3) The text or substance of the standard or portion thereof for which the exemption is sought and the length of time desired for the exemption;

(4) Information showing the annual gross revenue of the applicant for the preceding 12-month period from all of its operations (including the manufacture and sale of covered products);

(5) Information to show that failure to grant an exemption is likely to result in a lessening of competition;

(6) Such other information, if any, believed to be pertinent by the petitioner; and